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HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 161 of 2007

Petitioner Applicant		Pawan Chouhan S/o Chaitram Chouhan, Aged about 32 years, Caste-Gonde, R/o Dhimrapur Jagatpur, Raigarh, Teh.-Raigarh, Distt. Raigarh (C.G.)
		Versus
Respondents	**1**	Vishal Motors Through:- proprietor Gulshan Rishi, aged 48 yrs, S/o Mulkhraj Rishi, R/o Near office of Electricity Board, Tifra Bilaspur, Tah. & Distt. Bilaspur (C.G.)
	2	The State of Chhattisgarh Through – District Magistrate, Bilaspur

Appearance:

Shri Raghavendra Pradhan, counsel for the petitioner.

Shri Arun Sao, Govt. Advocate for the State/ respondent No.2 on advance copy.

ORAL ORDER
(04.07.2007)

SUNIL KUMAR SINHA, J.

Heard.

This petition is directed against the order dated 29.1.2007 passed in Criminal Revision No. 372/2006 by the Sessions Judge, Bilaspur arising out of order dated 15.9.2006 passed in Criminal Case No. 182/2006 by the Chief Judicial Magistrate First Class, Bilaspur, whereby the said Court framed the charges under Section 138 of the Negotiable Instruments Act against the petitioner/accused. The revisional Court has confirmed the order passed by the Magistrate and has dismissed the aforesaid criminal revision.

The point raised before this Court is that in fact, the information regarding bouncing of cheque was received on 5.12.2005 and if the limitation is calculated from the said date, the complaint was not filed within time. He also argues that the notice dated 6.1.2006 was not personally served upon the petitioner and on this ground also, the complaint was

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not maintainable. Learned counsel contend that in fact, the complainant is treating that he received information on 15.12.2005, which does not appear to be correct and in fact, the limitation should have been calculated from 5.12.2005. The revisional Court has taken this view in Para-10 of the impugned order that objections raised by the petitioner are question of facts, which may be decided after taking evidence, and after giving due respect to the contents of the complaint as also prima facie evidence led in support thereof, it has dismissed the revision filed by the petitioner.

I have also gone through the contents of the complaint and the affidavit and document annexed in support of the complaint.

After going through these documents, which are prima facie evidence regarding framing of charges, I do not find any infirmity in the orders passed by the two Courts below. There appears to be no ground for interference by this Court under Section 482 of the Code of Criminal Procedure.

The petition is not worth admission and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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